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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,178	07/31/2006	Mikael Svensson	1175/75652	4135
23432 7590 12/14/2009 COOPER & DUNHAM, LLP 30 Rockefeller Plaza 20th Floor NEW YORK, NY 10112				
EXAMINER				
ALIE, GHASSEM				
ART UNIT		PAPER NUMBER		
3724				
MAIL DATE		DELIVERY MODE		
12/14/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/562,178

**Applicant(s)**

SVENSSON, MIKAEL

**Examiner**

GHASSEM ALIE

**Art Unit**

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 7-9, 11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) 2-5, 8 and 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 7, 11 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2009 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/02/09 has been entered, wherein claim 1 is amended; claims 1-5, 7-9, 11 and 12 are pending; and claims 2-5, 8 and 9 are withdrawn.

***Drawings***

2. The drawings are objected to because the reference character "19" located in figure 2 does not specifically point out a part of the drawing.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

3. The claims are objected to because they include reference characters which are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m).

In this case, e. g., reference characters “v” and “x” are not enclosed within parentheses in claims 1 and 4.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 7, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newell et al. (WO 00/02715; hereafter Newell; as previously cited) in view of Mills (US 5,002,524), and in further view of Noda et al. (3,895,549), hereinafter Noda. With respect to claims 1 and 11, Newell discloses a machine for slitting plane packaging blanks (2), said machine comprising: a driving roller assembly (40, 40, 56, 56, and additional drive roller; see page 15 lines 7-10) for advancing said packaging blanks; at least one rotatable slitting roller (46) with at least one knife (54) for producing a front edge slit (leading slot; see figures 8a-8c) and a rear edge slit (trailing slot, see figures 8a-8c) in each packaging blank, said knife

(54) being sector-shaped, and defined by two knife end edges (knife has two edges formed by the gap which corresponds to the section of the board not cut), a first knife portion adjacent a first knife end edge being adapted to cut the front edge slit (leading slot) out in a front edge of said blank (2), and a second knife portion adjacent a second knife end edge being is adapted to cut a rear edge slit (trailing slot) out in the rear edge of said blank (2) and rearwards through said rear edge while said blank (2) is advanced through the machine at a uniform speed (please refer to figures 8-9 for clarification on this sequencing), wherein the sector-shaped knife (54) extends over a per se known central angle  $\nu$  of approx  $225-300^\circ$  (see page 14 lines 22-24), and that the first knife end edge of the first knife portion turns from an initial position - in which the first knife end edge is positioned at a predetermined central angle  $x$  from radius to a cutting site substantially corresponding to a desired slit length - and a central angle  $x$  forwards until the front edge slit (see figure 8c) has been cut, and wherein said knife (54) is retarded when a knife gap (see figure 9a) is positioned above the blank (2) and wherein the second knife end edge of said second knife portion turns from an initial angular position and downwards into the blank at the cutting site for the production of the rear edge slit (see figure 9b), and is subsequently turned an arc substantially corresponding to a length of the rear edge slit of said blank (see figure 9b and 9c), where said second knife end edge is retarded and then turned forwards in such a manner that the first knife end edge reaches an initial position ready to make slits in a subsequent packaging blank (2), a back pressure roller (48) comprising two relatively thin, circular disks (55) interspaced a distance corresponding to the thickness of the knife. Newell does not disclose the knife extending a distance into the space between the two circular disks. Newel further does not disclose the

back pressure roller being provided with a resilient coating.

Mills discloses a slitter wheel setup (figure 1) comprising a slitter wheel (12) and a back pressure roller (24). The back pressure roller comprises two thin disks (28, 30) which are separated by a distance corresponding to the thickness of the knife. The back pressure roller further comprises an resilient coating (15). During operation, the knife extends into the space between the two circular disks and onto the elastic coating in order to adequately support the board with a respective load while the slotting occurs (see column 3 lines 13-20). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the slotter of Newell to have the backpressure roller aligned in such a way where the knife enters the space between the two thin disks and has an resilient coating in order to help support the slotting load in view of the teachings of Mills.

Newell in view of Mills does not explicitly teach at least one sensor provided upstream of the one rotatable slitting roller for detecting the packaging blanks and for activating the at least one rotatable slitting roller accordingly. However, the use of a sensor to detect a workpiece and activate a cutting device is well known in the art such as taught by Noda. Noda teaches an apparatus for slitting the front and rear ends of a blank 5. Noda also teaches at least one sensor 20 provided upstream of at least one rotatable slitting roller 3 for detecting the blanks 5 and for activating the at least one rotatable slitting roller 3 accordingly. See Figs. 8a-10 and col. 6, lines 30-66 in Noda. It would have been obvious to a person of ordinary skill in the art to provide Newell's machine for slitting, as modified by Mills, with a sensor and motor control, as taught by Noda, in order to make more accurate cuts in the blanks.

With respect to claim 7, Newell discloses the blanks being made of corrugated board (page 1 lines 1-7).

With respect to claim 12, the modified apparatus of Newell discloses the resilient coating comprising an elastomer, but does not specifically disclose the elastomer being rubber. Examiner notes that rubber is an elastomer. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use rubber as the specific type of elastomer used in the backpressure roller of the modified apparatus of Newell, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

6. Claims 1, 7, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newell et al. (WO 00/02715; hereafter Newell; as previously cited) in view of Mills (US 5,002,524), and in further view of Baron et al. (5,386,753), hereinafter Baron. With respect to claims 1 and 11, Newell discloses a machine for slitting plane packaging blanks (2), said machine comprising: a driving roller assembly (40, 40, 56, 56, and additional drive roller; see page 15 lines 7-10) for advancing said packaging blanks; at least one rotatable slitting roller (46) with at least one knife (54) for producing a front edge slit (leading slot; see figures 8a-8c) and a rear edge slit (trailing slot, see figures 8a-8c) in each packaging blank, said knife (54) being sector-shaped, and defined by two knife end edges (knife has two edges formed by the gap which corresponds to the section of the board not cut), a first knife portion adjacent a first knife end edge being adapted to cut the front edge slit (leading slot) out in a front edge of said blank (2), and a second knife portion adjacent a second knife end edge being is

adapted to cut a rear edge slit (trailing slot) out in the rear edge of said blank (2) and rearwards through said rear edge while said blank (2) is advanced through the machine at a uniform speed (please refer to figures 8-9 for clarification on this sequencing), wherein the sector-shaped knife (54) extends over a per se known central angle  $\nu$  of approx  $225\text{--}300^\circ$  (see page 14 lines 22-24), and that the first knife end edge of the first knife portion turns from an initial position - in which the first knife end edge is positioned at a predetermined central angle  $x$  from radius to a cutting site substantially corresponding to a desired slit length - and a central angle  $x$  forwards until the front edge slit (see figure 8c) has been cut, and wherein said knife (54) is retarded when a knife gap (see figure 9a) is positioned above the blank (2) and wherein the second knife end edge of said second knife portion turns from an initial angular position and downwards into the blank at the cutting site for the production of the rear edge slit (see figure 9b), and is subsequently turned an arc substantially corresponding to a length of the rear edge slit of said blank (see figure 9b and 9c), where said second knife end edge is retarded and then turned forwards in such a manner that the first knife end edge reaches an initial position ready to make slits in a subsequent packaging blank (2), a back pressure roller (48) comprising two relatively thin, circular disks (55) interspaced a distance corresponding to the thickness of the knife. Newell does not disclose the knife extending a distance into the space between the two circular disks. Newel further does not disclose the back pressure roller being provided with a resilient coating.

Mills discloses a slitter wheel setup (figure 1) comprising a slitter wheel (12) and a back pressure roller (24). The back pressure roller comprises two thin disks (28, 30) which are separated by a distance corresponding to the thickness of the knife. The back pressure roller



further comprises an resilient coating (15). During operation, the knife extends into the space between the two circular disks and onto the elastic coating in order to adequately support the board with a respective load while the slotting occurs (see column 3 lines 13-20). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the slotter of Newell to have the backpressure roller aligned in such a way where the knife enters the space between the two thin disks and has an resilient coating in order to help support the slotting load in view of the teachings of Mills.

Newell in view of Mills does not explicitly teach at least one sensor provided upstream of the one rotatable slitting roller for detecting the packaging blanks and for activating the at least one rotatable slitting roller accordingly. However, the use of a sensor to detect a workpiece and activate a cutting device is well known in the art such as taught by Baron. Baron teaches an apparatus for cutting the front and rear ends of a blank 28. Baron also teaches at least one sensor 60 provided upstream of at least one cutter 56, 58 for detecting the blanks 28 and for activating the at least one cutter 56, 58 accordingly. See Fig. 1 and col. 4, lines 5-24 in Baron. It would have been obvious to a person of ordinary skill in the art to provide Newell's machine for slitting, as modified by Mills, with a sensor and motor control, as taught by Barron, in order to make more accurate cuts in the blanks.

With respect to claim 7, Newell discloses the blanks being made of corrugated board (page 1 lines 1-7).

With respect to claim 12, the modified apparatus of Newell discloses the resilient coating comprising an elastomer, but does not specifically disclose the elastomer being rubber. Examiner notes that rubber is an elastomer. It would have been obvious to one

having ordinary skill in the art at the time the invention was made to use rubber as the specific type of elastomer used in the backpressure roller of the modified apparatus of Newell, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

#### ***Response to Arguments***

7. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

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Representative or access to the automated information system, call 800-786-9199 (IN USA  
OR CANADA) or 571-272-1000.

/Ghassem Alie/

Primary Examiner, Art Unit 3724

December 8, 2009